

Amendment and Response

Applicant: G. Stephen LeGraw

Serial No.: 09/754,492

Filed: January 4, 2001

Docket No.: S144.101.102

Title: COMMERCIAL COMPANY INFORMATION TRADING SYSTEM AND METHOD (*As Amended*)

REMARKS

The following remarks are made in response to the Office Action mailed October 6, 2004. Claims 1-58 were rejected. With this Response, claims 1, 22, 26, 44, 51, and 58 have been amended and new claims 59 and 60 have been added. Claims 1-60 are currently pending in the application and are presented for reconsideration and allowance.

In the Title

The title of the invention was objected to as not being descriptive. In response, the title has been amended to recite a "Commercial Company Information Trading System and Method." Since the amended title is more particularly descriptive of the invention, it is believed that the directive to provide a new title is satisfied, and it is requested that the associated objection be withdrawn.

Claim Rejections under 35 U.S.C. § 102

Claims 1-58 are rejected under 35 U.S.C. 102(e) as being unpatentable over Coueignoux U.S. Patent No. 6,092,197. Each of independent claims 1, 26, 44, 51, and 58 relates to a method of trading information, a method of providing commercial statistical data, or a computer-readable medium having computer-executable instructions for performing a method for providing commercial statistical data. All of independent claims 1, 26, 44, 51, and 58 have been amended to include limitations generally including collecting private company information, wherein the private company information relates to a private company in a commercial industry, and providing or determining an output data set including statistical averages for the commercial industry. The cited reference fails to teach or otherwise suggest these limitations.

More specifically, Coueignoux teaches a system for discovering and exploiting private or confidential facts from a user while securing these facts against publication. The system allows merchants or retailers to collect personal information about a target audience or consumer in order to personalize communication with the user. In particular, the collected information allows the merchant or retailer to contact the user, such as by email, with a particular offer of goods and/or services selected to be of particular interest to the user based upon the collected information.

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Accordingly, Coueignoux is directed toward determining or collecting discrete information from the user to more directly target marketing campaigns towards individual consumers. Coueignoux does not teach and is not related to a system or method that conversely functions to use gathered information to provide generalized information about an industry as a whole as recited in the amended, independent claims of the present application. In particular, Coueignoux does not disclose gathering commercial company information nor does it teach outputting a data set based on a portion of the collected information that includes generalized statistical averages for the commercial industry for which the company is a part as recited in the amended independent claims. Therefore, Coueignoux does not teach or otherwise disclosed the limitations of amended, independent claims 1, 26, 44, 51, and 58. Consequently, amended, independent claims 1, 26, 44, 51, and 58 are believed to be allowable.

In addition, amended, independent claim 58 recites additional more particular limitations not taught by Coueignoux. In particular, since Coueignoux does not disclose generally gathering information for parties within an industry, Coueignoux also does not disclose generating a statistical data set based upon an exchange data set collected from the party and at least one statistical model where the data set includes statistical averages for the commercial industry. With this in mind, Coueignoux also does not teach generating statistical averages including at least one of average deal statistics, average valuation statistics, average collateral statistics, average operating performance statistics, and average operating performance data. These additional limitations not taught or otherwise suggested by Coueignoux provided additional reasons leading to a belief that independent claim 58 is allowable.

Claims 2-25, 27-43, 45-50, and 52-57 each depend from one of independent claims 1, 26, 44, 51, and 58, which as described above, are not to be taught or otherwise suggested by the cited reference. Accordingly, dependent claims 2-25, 27-43, 45-50, and 52-57 also are not taught or otherwise suggested by the cited references. Therefore, dependent claims 2-25, 27-43, 45-50, and 52-57 are believed to be allowable over the cited reference.

Other Amendments

Claim 22 has been amended on the Applicant's initiative merely to correct typographical errors not related to patentability.

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New Claims 59 and 60

Each of new claims 59 and 60 depend from independent claim 1, which as described above is believed to be allowable. Claims 59 and 60 provide additional reasons for patentability similar to those described above with respect to amended, independent claim 58. With this in mind, new dependent claims 59 and 60 are also believed to be allowable.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 1-60 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 1-60 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 50-0471 in the amount of \$50.00 to cover the fees as set forth under 37 C.F.R. 1.16(b)(c).

The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Respectfully submitted,

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CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 7 day of March, 2005.

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